

1 Shikeb Saddozai-CDCR#AY1590
2 Corcoran State Prison
3 P.O.Box 3461
4 Corcoran C.A. 93212
5 In Pro se

FILED

MAR 19 2020

SUSAN M. BLANK
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8
9

10 SHIKEB SADDOZAI,
11 Plaintiff,
12 v.
13 CLAWSON, et al.,
14 Defendants.
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Case No.5:18-cv-05558-BLF(PR)
MOTION TO EXTEND TIME
CIV L.R.6-3
RULE 6(b), RULE 56(d)
FED.R.CIV.P.

1 TO THE COURT AND DEFENDANT'S COUNSEL:PLEASE TAKE NOTICE
2 that pursuant to Civil L.R.6-3, Rule 6(b) and Rule 56(d) FRCP,
3 and for good cause shown,plaintiff request additional time to
4 conduct discovery so that plaintiff can get evidence to defeat
5 DEFENDANT'S MOTION TO DISMISS. Plaintiff's legal mail is being
6 intentionally returned to sender and or deliberately delayed
7 in a continuing pattern or repeated occurrence of delayed
8 mail by prison officials over a two week period causing plain-
9 tiff to miss court deadlines.(SEE,Ex. A.)

10 Defendant's counsel will not make efforts as a profession-
11 al courtesy and has used plaintiff's disadvantages made by his
12 imprisonment to circumvent discovery rules inwhich a reasonable
13 opportunity must be afforded to plaintiff to present all
14 material that is pertinent in possession of defendants' which
15 plaintiff has not had an opportunity to pursue discovery or
16 whose discovery requests have not been answered and discovery
17 would help plaintiff answer the defendants' claims under
18 Rule 56(f),FRCP.SEE,McElyea v. Babbitt,833 F.2d 196,200
19 (9th Cir.1987)
20

21 Plaintiff asks for a continuance to have a chance to get
22 discovery.SEE,Jones v. Blanas,393 F.3d 918(9th Cir.2004).
23 Plaintiff has multiple filings in the same division of this
24 Court conflicting with plaintiff's ability and efforts to
25 respond timely with defendant's request and or challenge claim,
26 in addition to interference by prison officials within
27
28

1 plaintiff's custody.(SEE,Ex. B.)

2 Defendant's Motion to Dismiss has undoubtedly contained
3 seemingly authortive citations and without direct physical
4 access to facility law library or in the alternative to print
5 citations,at all times denied to plaintiff that are only
6 obtained from the electronic data-base only available during
7 physical access to facility law library during operating
8 schedules which are repeatedly inconsistent to approved sched-
9 ule by facility Warden ,plaintiff cannot rebut the defendant's
10 arguments relied on citations,placing plaintiff in pro se at
11 even greater disadvantage,and the lack of prison law library
12 and resources similarly experienced by other prisoners in
13 plaintiff's custody has errected barriers that has frustrated,
14 impaired and impeded plaintiff's ability to effectively and
15 meaningfully represent himself in pro se.(SEE,Ex. C.)

16 Courts should not dismiss a complaint against plaintiff
17 who has not had an opportunity to pursue discovery nor can
18 defendant's claims be addressed in Motion to Dismiss and will
19 have to be raised in a motion for summary of judgment which
20 requires defendant's to submit admissible factual evidence
21 showing that plaintiff did not exhaust.SEE, Rule 56,FRCP,
22 Brownell v. Krom,446 F.3d 305,310(2d Cir.2006);Ingle v.Yelton,
23 439 F.3d 191,196 (4th Cir.2006).
24
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CONCLUSION

Plaintiff's motion should be granted in its entirety.

Dated: March 8, 2020

Respectfully submitted,

Shikeb Saddozai-CDCR#AY1590
Corcoran State Prison
P.O.Box 3461
Corcoran C.A. 93212
In Pro se

EXHIBIT - A

EXHIBIT - A

EXHIBIT A

OFFICE OF THE CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
280 SOUTH FIRST STREET, ROOM 2112
SAN JOSE, CALIFORNIA 95113-3095

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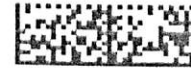
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JOHN C. BEIERS, COUNTY COUNSEL
County of San Mateo
400 County Center, 6th Floor
Redwood City, CA 94063

cor

37761-203

Shikeb Saddozai, CDCR #AY1590
Ironwood State Prison (ISP)
P.O. Box 2199
Blythe, CA 92226-2199

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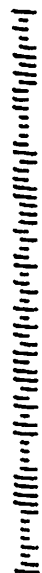
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SAN JOSE, CALIFORNIA 95113-3095

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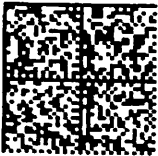
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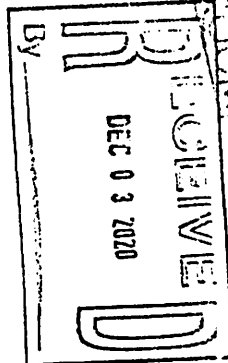
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHIKEB SADDZOAI,
Plaintiffs,

v.

LOMU, et al.,
Defendants.

Case No.: 5:18-cv-04047-BLF

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that:

- (1) I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California; and
- (2) On 1/24/2020, I SERVED a true and correct copy(ies) of the attached **ORDER VACATING HEARINGS ON SUMMARY JUDGMENT MOTION filed on 1/23/2020**, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's office.

Shikeb Saddozai ID: AY-1590
Corcoran State Prison (CSP)
P.O. Box 3461
Corcoran, CA 93212

Dated: 1/24/2020

Susan Y. Soong
Clerk, United States District Court


By: 
Tiffany Salinas-Harwell, Deputy Clerk to
the Honorable Beth Labson Freeman

EXHIBIT - B

EXHIBIT - B

EXHIBIT B

DECLARATION BY PERSON IN STATE CUSTODY

I, David Garrett , declare under penalty of perjury:

1. I am an inmate in the legal custody of the California Department of Corrections and Rehabilitation, confined in the Corcoran State Prison, in Corcoran California.
2. I have personal knowledge of the facts stated in my declaration, and could and would competently testify to these facts as a witness.
3. At all times relevant, while in the custody of Corcoran State prison, I followed prison procedures, upon accessing the facility law library and upon my access, law librarian has repeatedly failed and refused to provide copies of legal reference materials or print ~~case laws~~ from the Electronic Law Library Delivery System (Lexis-Nexis), which is out-dated, and has prevented me from legal research and from responding to case laws relied on by the courts in their rulings and for rebuttal.
4. Law library will not provide me equal access to type-writers that are made available to all inmates in CDCR custody, nor am I permitted to retain the legal copies made of my documents, or copy over 50 pages to advance in my legal litigations.
5. Law librarian will not permit me to retain legal manila-envelopes only available, and must be mailed out, during law library access.
6. Law library has failed to operate Monday-to-Friday pursuant to institutional schedule approved by prison Warden and has repeatedly canceled law library services without advance notice.
7. Law librarian has repeatedly reviewed my confidential-legal documents without my consent prior to submitting to the court and has denied me law library resources to correspond with members of the state bar.
8. I do not have direct access to law library and must await appointment, which has caused me delay and prejudice on legal actions.
9. Law librarian is untrained in the field of law and can not provide me proper direction, nor will librarian provide me pleading paper to advance on my litigations or provide legal book check-outs, also are out-dated.

I MAKE THIS DECLARATION FREELY, VOLUNTARILY, AND WITHOUT INDUCEMENT, AND I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THE FOREGOING IS TRUE AND CORRECT AND THAT THIS DECLARATION WAS EXECUTED ON: 02-07-2020 KINGS COUNTY, CALIFORNIA


DAVID GARRETT-CDCR#AS6897

DECLARATION BY PERSON IN STATE CUSTODY

I, Leon Morris , declare under penalty of perjury:

1. I am an inmate in the legal custody of the California Department of Corrections and Rehabilitation, confined in the Corcoran State Prison, in Corcoran California.
2. I have personal knowledge of the facts stated in my declaration, and could and would competently testify to these facts as a witness.
3. At all times relevant, while in the custody of Corcoran State prison, I followed prison procedures, upon accessing the facility law library and upon my access, law librarian has repeatedly failed and refused to provide copies of legal reference materials or print case laws from the Electronic Law Library Delivery System (Lexis-Nexis), which is out-dated, and has prevented me from legal research and from responding to case laws relied on by the courts in their rulings and for rebuttal.
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I MAKE THIS DECLARATION FREELY, VOLUNTARILY, AND WITHOUT INDUCEMENT, AND I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THE FOREGOING IS TRUE AND CORRECT AND THAT THIS DECLARATION WAS EXECUTED ON: 02-07-2020 KINGS COUNTY, CALIFORNIA

Leon E. Morris

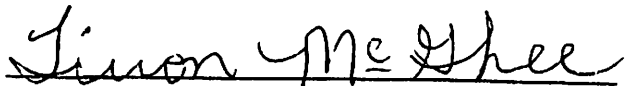
LEON MORRIS-GDCR# P54809

DECLARATION BY PERSON IN STATE CUSTODY

I, Tiwon McGhee, declare under penalty of perjury:

1. I am an inmate in the legal custody of the California Department of Corrections and Rehabilitation, confined in the Corcoran State Prison, in Corcoran California.
2. I have personal knowledge of the facts stated in my declaration, and could and would competently testify to these facts as a witness.
3. At all times relevant, while in the custody of Corcoran State prison, I followed prison procedures, upon accessing the facility law library and upon my access, law librarian has repeatedly failed and refused to provide copies of legal reference materials or print ~~case laws~~ from the Electronic Law Library Delivery System (Lexis-Nexis), which is out-dated, and has prevented me from legal research and from responding to case laws relied on by the courts in their rulings and for rebuttal.
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I MAKE THIS DECLARATION FREELY, VOLUNTARILY, AND WITHOUT INDUCEMENT, AND I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THE FOREGOING IS TRUE AND CORRECT AND THAT THIS DECLARATION WAS EXECUTED ON: 02-07-2020 KINGS COUNTY, CALIFORNIA


TIWON MCGHEE-CDCR# BI9253

DECLARATION BY PERSON IN STATE CUSTODY

I, Emmanuel Reeves , declare under penalty of perjury:

1. I am an inmate in the legal custody of the California Department of Corrections and Rehabilitation, confined in the Corcoran State Prison, in Corcoran California.
2. I have personal knowledge of the facts stated in my declaration, and could and would competently testify to these facts as a witness.
3. At all times relevant, while in the custody of Corcoran State prison, I followed prison procedures, upon accessing the facility law library and upon my access, law librarian has repeatedly failed and refused to provide copies of legal reference materials or print ~~case laws~~ from the Electronic Law Library Delivery System (Lexis-Nexis), which is out-dated, and has prevented me from legal research and from responding to case laws relied on by the courts in their rulings and for rebuttal.
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I MAKE THIS DECLARATION FREELY, VOLUNTARILY, AND WITHOUT INDUCEMENT, AND I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THE FOREGOING IS TRUE AND CORRECT AND THAT THIS DECLARATION WAS EXECUTED ON: March 5, 2020 KINGS COUNTY, CALIFORNIA



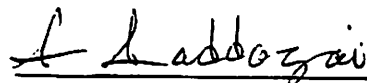
EMMANUEL REEVES, CDCR #A15096

DECLARATION BY PERSON IN STATE CUSTODY

I, Shikeb Saddozai , declare under penalty of perjury:

1. I am an inmate in the legal custody of the California Department of Corrections and Rehabilitation, confined in the Corcoran State Prison, in Corcoran California.
2. I have personal knowledge of the facts stated in my declaration, and could and would competently testify to these facts as a witness.
3. At all times relevant, while in the custody of Corcoran State prison, I followed prison procedures, upon accessing the facility law library and upon my access, law librarian has repeatedly failed and refused to provide copies of legal reference materials or print ~~case laws~~ from the Electronic Law Library Delivery System (Lexis-Nexis), which is out-dated, and has prevented me from legal research and from responding to case laws relied on by the courts in their rulings and for rebuttal.
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Shikeb Saddozai-CDCR#AY1590

EXHIBIT - C

EXHIBIT -C

EXHIBIT C

STATE of CALIFORNIA

OIGOFFICE of the
INSPECTOR GENERALRoy W. Wesley, Inspector General
Bryan B. Beyer, Chief Deputy Inspector General

Independent Prison Oversight

Regional OfficesSacramento
Bakersfield
Rancho Cucamonga

February 4, 2020

Shikeb Saddozai, AY1590
California State Prison - Corcoran
P.O. Box 8800
Corcoran, CA 93212-8309

Dear Shikeb Saddozai,

The Office of the Inspector General (OIG) received your voice messages on December 5th, 8th, 20th, 23, and 26th of 2019, and on January 13, 2020. You allege that you reported a leak in your cell, but staff took no action, you have not received a response to a few of your appeals, Form 22s are not available, you have been retaliated against for submitting appeals for being on lockdown status for more than 15 days, your property was confiscated on November 12, 2019 when it did not follow you when you were transferred from Ironwood State Prison (ISP) to California State Prison, Corcoran, and that certain ISP correctional staff attempted to intimidate you into withdrawing an appeal during a telephone interview. We have conducted a review into the issues you raised. Based on our review of your complaint, we determined that no further intervention is warranted by our office at this time. We apologize for our delay in responding to your correspondence.

When conducting our reviews, we document and review the alleged activity, review applicable policies and procedures, and request additional documentation from the California Department of Corrections and Rehabilitation (CDCR), as needed. Our reviews may also require us to request an inmate appeals tracking system report from the department to ensure that inmates have access to formal administrative remedies.

We also attempt to determine if you have attempted to obtain resolution to your complaint by filing a CDCR Form 22, Inmate/Parolee Request for Interview, Item or Service or CDCR 1824, Request for Reasonable Accommodation. If your request was unsuccessful, we encourage you to utilize your available administrative grievance remedies by filing a CDCR 602, Inmate/Parolee Appeal form. You should continue the administrative grievance process until you have received a final decision by the CDCR's third level of review. If you have received a response by the third level of review and believe the department failed to appropriately address your concerns, you may choose to resubmit your complaint to our office and include the reasons why the department's response was inappropriate.

Gavin Newsom, Governor

10111 Old Placerville Road, Suite 110
Sacramento, California 95827
Telephone: (916) 255-1102
www.oig.ca.gov

DECLARATION OF SERVICE BY MAIL
BY PERSON IN STATE CUSTODY
(C.C.P. §§ 1013(A), 2015.5)
Fed.R.Civ.P. Rule 6 (d)

I, Shikeb Sadozai, the undersigned, declare:

I am over the age of 18 years, and I am a party to the matter.
I am a resident of Corcoran in the county of Kings
State of California. My address is:

Shikeb Saddozai-CDJR#AY1590
Corcoran State Prison(CSP)
P.O.Box 3461
Corcoran, California 93212

On March 16, 2020, I served the attached document(s):

FILED
MAR 19 2020
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

• MOTION TO EXTEND TIME.

(BY U.S.MAIL) on all other parties to this action, at the addresses listed below, by placing true and correct copies of said document(s) thereof, enclosed in a sealed envelope (verified by prison officials) with postage fully prepaid, and turned sealed envelope to prison officials to be placed in a deposit box provided by California Department of Corrections and Rehabilitation Corcoran State Prison(CSP) in the ordinary course of business for mailing with the United States Postal Service as per the regulations governing out-going Legal Mail.

Clerk, U.S.D.C., Northern Dist
280 South First St., Rm-2112
San Jose, C.A. 95113

Allison M. Low
Deputy Attorney Gen.
455 Golden Gate Ave. Ste-11000
San Francisco, C.A. 94102

I DECLARE UNDER THE PENALTY OF PERJURY THAT ALL OF THE FOREGOING IS TRUE AND CORRECT.

Executed on: March 16, 2020, at Corcoran California

Shikeb Saddozai
Declarant Shikeb Saddozai